



# Memorandum

TO: Mayor and City Council

FROM: Councilmember Cindy Chavez

SUBJECT: SEE BELOW

DATE: April 4, 2005

APPROVED: 

DATE: 

**SUBJECT: PROPOSED OVERRIDE OF SANTA CLARA COUNTY AIRPORT LAND USE COMMISSION ACTION REGARDING PLANNED TENTATIVE MAP FILE NO. PT04-103**

**RECOMMENDATION:**

Council approve Staff Recommendation to adopt a resolution overriding a determination by the Santa Clara County Airport Landuse Commission (ALUC) that Planned Tentative Map file no. PT04-103 is inconsistent with the height policies found in the *Land Use Plan for Areas Surrounding Santa Clara County Airports*.

**BACKGROUND:**

The safety of our airport and residents remains a paramount concern for the City of San Jose. As a result, the heights of proposed buildings in the Downtown and along flight paths that encroach within the guidelines established by the "*Land Use Plan*" require approval by the Federal Aviation Administration (FAA).

The FAA issued a determination of "No Hazard" for the proposed 170-foot high building on May 10, 2004, prior to the Redevelopment Agency's Executive Director approval of the PD Permit. The FAA, by their ruling, found that the proposed project would not interfere with flights going to and leaving from the Mineta San Jose International Airport (SJIA).

The San Jose 2020 General Plan states that "in the Downtown Core Area, the maximum building height is defined by the airspace requirements of the SJIA, as established by the Federal Aviation Administration." The FAA has approved numerous projects that intrude within the guidelines established by the "*Land Use Plan for Areas Surrounding Santa Clara County Airports*," including Taylor Towers (Phase I now under construction at the corner of 1<sup>st</sup> & Taylor), Opus Building (completed office tower at Santa Clara & Notre Dame), Sobrato Tower (completed office tower at Almaden Boulevard & Balbach), and CIM Block 3 (proposed high rise residential project adjacent to the Rep Theater) among others.

The proposed project presents a wonderful opportunity to bring high-rise, for sale homes to the Downtown market. The new residents will be able to take advantage of nearby parks (St. James Park, the GRPG, and renovated Pellier Park) and frequent nearby businesses in the San Pedro area and beyond. The project will also serve as an important link between established Downtown neighborhoods and future development on the "Brandenburg" parcels.

**CONCLUSION:**

Based on the FAA findings of "No Hazard" and the benefits associated with the proposed project, the City Council should adopt a resolution overriding the ALUC finding and make specific findings that the proposed project is consistent with the purposes of PUC Section 21670 regarding the protection of public health, safety and welfare in areas surrounding airports.